

SIEMENS

PATENT
Attorney Docket No. 2003P09461WOUS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

| | | | |
|-------------|--|---|----------------------------------|
| Inventor: | Stefan Dahlke, et al. |) | Group Art Unit: Not Yet Assigned |
| | |) | |
| Serial No.: | 10/568,115 |) | Examiner: Not Yet Assigned |
| | |) | |
| Filed: | February 13, 2006 |) | Confirmation No: 5620 |
| Title: | HEAT SHIELD ARRANGEMENT FOR A COMPONENT GUIDING A HOT GAS, IN PARTICULAR FOR A COMBUSTION CHAMBER IN A GAS TURBINE | | |

Mail Stop PCT LEGAL
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

SUPPLEMENTAL REQUEST TO WITHDRAW THE HOLDING OF ABANDONMENT

In accordance with 37 CFR 1.181(a) and 1.8(b), Applicants respectfully request the Commissioner to Withdraw the Holding of Abandonment on grounds that a complete reply to the Response to Notification of Missing Requirements within the time period specified in the Notification was filed with the USPTO.

Office of PCT Legal Administration Attorney Advisor James Thomson dismissed without prejudice Applicants previously filed request to withdrawn holding of abandonment dated 14 March 2008. Mr. Thomson reasoned that "a review of the

evidence shows the Communication Result Report is partially cut off and does not indicate a receiving facsimile telephone number on it.”

In response, the undersigned telephoned Mr. Thomson and he explained that the Communication Result Report only indicates “USPTO” and not the Office’s “571-270-9880” telephone number to which Ms. Hickey’s Declaration swears she in fact faxed the papers. During that telephone conversation, the undersigned theorized that their fax machine had the Office’s 571-270-9880 number programmed into memory as “USPTO” and, as a result, the word “USPTO” was displayed on the Communication Result Report rather than the number “571-270-9880”. Mr. Thomson then indicated that if Applicants supplemented their prior petition request with an explanation along those lines, then that should be sufficient to grant Applicants’ petition request.

After further investigation, the undersigned learned that the Office’s 571-270-9880 number was not programmed into fax machine memory. In an effort to resolve this mystery, Applicants then sent a test fax to 571-270-9880 and the Communication Result Report came back “USPTO”. Applicant then sent a second test fax to 571-273-0140 (Assignment Division) and the Communication Result Report similarly came back “USPTO”. Applicant then sent a third test fax to 571-273-8300 (Office of Initial Patent Examination) and the Communication Result Report similarly came back “USPTO” followed by an Auto-Reply Facsimile Transmission (normally received when faxing to the OIPE) that similarly came back “USPTO” in the upper left hand corner. Applicants then sent a fourth test fax to 571-273-2885 (Issue Fee) and the Communication Result Report and Auto-Reply Facsimile Transmission both similarly came back with “USPTO”. Applicants then sent a fifth and final test fax to 571-270-9880 from a

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different department's fax machine that is not used to fax papers to the patent office and the Communication Result Report came back "571-270-9880."

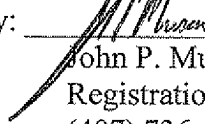
Based on these five test faxes, Applicants respectfully submit and the undersigned respectfully declares that the fax machine that it used to fax the 14 August 2006 and 15 February 2008 papers results in a Communication Result Report that generically identifies patent office numbers as "USPTO" rather than particularizing the fax number to which the papers are sent. Applicants attach hereto a copy of the above five tests. Lastly, Applicant respectfully notes that its Communication Result Report is not cut off.

Also attached hereto is a supplemental declaration from the person who executed the Certificate of Mailing on the response materials, Ann Hickey, reconfirming that she personally transmitted the responsive materials on the August 14, 2006 date indicated by the Certificate of Mailing and also confirming that the four test Communication Result Reports came back with "USPTO" while the fifth came back with the particular USPTO number.

The Commissioner is hereby authorized to charge any appropriate fees due in connection with this paper, or credit any overpayments to Deposit Account No. 19-2179.

Respectfully submitted,

Dated: 5/9/08

By: 
John P. Musone
Registration No. 44,961
(407) 736-6449

Siemens Corporation
Intellectual Property Department
170 Wood Avenue South
Iselin, New Jersey 08830

* * * COMMUNICATION RESULT REPORT (MAY. 8. 2008 2:39PM) * * *

FAX HEADER 1: 4077366440
FAX HEADER 2:TRANSMITTED/STORED : MAY. 8. 2008 2:38PM
FILE MODE OPTION

ADDRESS

RESULT

PAGE

0130 MEMORY TX

USPTO

OK

1/1

REASON FOR ERROR
E-1) HANG UP OR LINE FAIL
E-3) NO ANSWERE-2) BUSY
E-4) NO FACSIMILE CONNECTION*Test**571-270-9880*

* * * COMMUNICATION RESULT REPORT (MAY. 8. 2008 2:44PM) * * *

FAX HEADER 1: 4077366440
FAX HEADER 2:TRANSMITTED/STORED : MAY. 8. 2008 2:43PM
FILE MODE OPTION

ADDRESS

RESULT

PAGE

0132 MEMORY TX

USPTO

OK

1/1

REASON FOR ERROR
E-1) HANG UP OR LINE FAIL
E-3) NO ANSWERE-2) BUSY
E-4) NO FACSIMILE CONNECTION*Test**Assignment**571-273-0140*

* * * COMMUNICATION RESULT REPORT (MAY. 8. 2008 2:49PM) * * *

FAX HEADER 1: 4077366440
FAX HEADER 2:TRANSMITTED/STORED : MAY. 8. 2008 2:48PM
FILE MODE OPTION

ADDRESS

RESULT

PAGE

0134 MEMORY TX

USPTO

OK

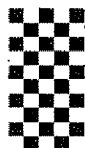
1/1

REASON FOR ERROR
E-1) HANG UP OR LINE FAIL
E-3) NO ANSWERE-2) BUSY
E-4) NO FACSIMILE CONNECTION

Test

O/PE

571 273 8300



to-reply fax to 4077366440 COMPANY:

Auto-Reply Facsimile Transmission



TO:

Fax Sender at 4077366440

Fax Information

Date Received:

5/8/2008 2:48:33 PM [Eastern Daylight Time]

Total Pages:

1 (including cover page)

ADVISORY: This is an automatically generated return receipt confirmation of the facsimile transmission received by the Office. Please check to make sure that the number of pages listed as received in Total Pages above matches what was intended to be sent. Applicants are advised to retain this receipt in the unlikely event that proof of this facsimile transmission is necessary. Applicants are also advised to use the certificate of facsimile transmission procedures set forth in 37 CFR 1.8(a) and (b), 37 CFR 1.6(f). Trademark Applicants, also see the Trademark Manual of Examining Procedure (TMEP) section 306 et seq.

Received
Cover
Page

=====>

MAY 8 2008 2:48PM 4077366440 10.8.34 F. 1

Test
O/PE
571 273 8300

PAGE 1/1 * RCVD AT 5/8/2008 2:48:33 PM [Eastern Daylight Time] * SVR:USPTO-BFAXF-6119 * DNS:2738300 * CSIG:4077366440 * DURATION (mm:ss):00:44

* * * COMMUNICATION RESULT REPORT (MAY. 8. 2008 2:52PM) * * *

FAX HEADER 1: 4077366440
FAX HEADER 2:TRANSMITTED/STORED : MAY. 8. 2008 2:51PM
FILE MODE OPTION

ADDRESS

RESULT

PAGE

0135 MEMORY TX

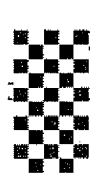
USPTO

OK

1/1

REASON FOR ERROR
E-1) HANG UP OR LINE FAIL
E-3) NO ANSWERE-2) BUSY
E-4) NO FACSIMILE CONNECTION

Test
issue fee
571 273 2885



No-reply fax to 4077366440 COMPANY:

Auto-Reply Facsimile Transmission



TO:

Fax Sender at 4077366440

Fax Information

Date Received:

5/8/2008 2:51:29 PM [Eastern Daylight Time]

Total Pages:

1 (including cover page)

ADVISORY: This is an automatically generated return receipt confirmation of the facsimile transmission received by the Office. Please check to make sure that the number of pages listed as received in Total Pages above matches what was intended to be sent. Applicants are advised to retain this receipt in the unlikely event that proof of this facsimile transmission is necessary. Applicants are also advised to use the certificate of facsimile transmission procedures set forth in 37 CFR 1.8(a) and (b), 37 CFR 1.6(f). Trademark Applicants, also see the Trademark Manual of Examining Procedure (TMEP) section 306 et seq.

Received
Cover
Page

=====>

MAY 8 2008 2:52PM 4077366440

MAY 8 2008 P. 1

Test
issue fee
571 273 2885

* * * Communication Result Report (May. 8. 2008 3:19PM) * * *

1}

Date/Time: May. 8. 2008 3:19PM

| File No. | Mode | Destination | Pg(s) | Result | Page Not Sent |
|----------|-----------|--------------|-------|--------|---------------|
| 2121 | Memory TX | 915712709880 | P. 1 | OK | |

Reason for error

E. 1) Hang up or line fail

E. 2) Busy

E. 3) No answer

E. 4) No facsimile connection

E. 5) Exceeded max. E-mail size

P. 1

* * * COMMUNICATION RESULT REPORT (MAY. 8. 2008 2:39PM) * * *

FAX HEADER 1: 4077366440

FAX HEADER 2:

TRANSMITTED/STORED : MAY. 8. 2008 2:38PM

| FILE MODE | OPTION | ADDRESS | RESULT | PAGE |
|----------------|--------|---------|--------|------|
| 0130 MEMORY TX | | USPTO | OK | 1/1 |

REASON FOR ERROR

E. 1) HANG UP OR LINE FAIL

E. 2) BUSY

E. 3) NO ANSWER

E. 4) NO FACSIMILE CONNECTION

Test

571-270-9880